

REMARKS

I. Status of Claims

Claims 1 – 2 and 4 – 8 are currently pending in the present application. Claims 1 and 4 are independent. Claims 3 and 6 are currently canceled without prejudice to and/or disclaimer of the subject matter therein. Claims 1, 2, 4, 5, 7, and 8 are currently amended. Support for these amendments may be found in at least paragraphs [0008], [0017], [0018], [0027], [0028], [0039], and [0062] of the application as published, as specified below. Further support may be found in claims 1 – 6 as originally filed. No new matter has been added.

Claims 1 – 8 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Claims 1 – 8 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite.

Claims 1 – 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,961,934 (“Alford”) in view of Applicant Admitted Prior Art (“AAPA”).

The Applicant respectfully request reconsideration of these rejections in view of the foregoing amendments and the following remarks.

II. Remarks Regarding the § 101 Rejections of Claims 1 and 4

The Office action first asserts that claims 1 and 4 are allegedly directed to non-statutory subject matter. Under § 101, computer-related “functional descriptive material” such as data structures and computer programs are non-statutory subject matter when not tied to any particular structure. However, “[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory.” M.P.E.P. § 2106.01; *see also In re Warmerdam*, 33 F.3d 1354, 1360-61 (Fed. Cir. 1994) (holding a specific data structure stored in computer memory to be statutory subject matter).

The Office action alleges that claim 1 is directed to software *per se*, as this claim does not recite any specific structure. While not necessarily agreeing with this interpretation, the Applicant nevertheless proposes amending claim 1 to recite that the system is recorded on a computer-readable medium. This amendment roots the claims in structure and should therefore

overcome the § 101 rejection. Support for these amendments may be found in at least paragraphs [0018] and [0027] of the published application.

Claim 4 is currently directed to a “task management method.” The Applicant has proposed amending the preamble of this claim to recite instead a “program recorded on a computer-readable medium.” This amendment roots the claim in structure and therefore overcomes the § 101 rejection. Further, such structure ties the claim to a machine, namely a computer, thus overcome the Office action’s issue (apparently attempting to cite *Bilski*). (See Office Action of May 21, 2010, at 3 (citing *Bilski*’s machine or transformation test).) Support for this amendment may be found in at least paragraphs [0017] and [0018] of the published application.

In light of these amendments, the Applicant respectfully requests withdrawal of the § 101 rejection of claims 1, 4, and all claims depending therefrom.

III. Remarks Regarding the § 112, ¶ 2 Rejections of Claims 1 – 8

The Office action also rejects claims 1 – 8 under § 112, second paragraph, as allegedly being indefinite for failing to particular point out and distinctly claim the invention. This requirement is satisfied when “one skilled in the art would understand the bounds of the claim when read in light of the specification.” *Miles Laboratories, Inc. v. Shandon, Inc.*, 997 F.2d 870, 875 (Fed. Cir. 1993), *cert. denied*, 510 U.S. 1100 (1994).

A. Claims 1 and 4

The Office action first asserts that it is unclear what is meant by “tasks structuring a task combination,” as recited by claims 1 and 4. Claim 1 has been amended and now more clearly recites that present and requested task combinations are each made up of tasks selected from a plurality of tasks. Support for this amendment may be found in at least paragraph [0028] of the application as published.

The Office action next contends that it is uncertain how a switchover request is judged. In certain embodiments, a determination of whether a task switchover request is made is based on a comparison of task combination pattern numbers associated with each task combination. If the pattern number of a requested task combination differs from that of a present task combination, then the judging unit determines that a task switchover request has been made.

Claims 1 and 4 have been amended to recite more clearly this feature. Support for this amendment may be found in at least paragraph [0062] of the published application.

Next, the Office action alleges that it is unclear how the switchover unit switches over the task combination and how a task is being specified. In certain embodiments, a task management system or program provides for switching between a present task combination and a requested task combination. Before switching over, however, a system or program in accordance with this example does not wait for every task in the present task combination to finish executing. Rather, this example system only waits for a task (or tasks) that is (or are) common to both the present and the requested task combinations to finish executing. After the complete execution of these common tasks, the switchover occurs. Claims 1 and 4 have been amended to specify more clearly such features. Support for these amendments may be found in at least paragraph [0008] of the application as published.

In light of this amendment, the Applicant respectfully requests withdrawal of the § 112, second paragraph rejection of claims 1 and 4.

B. Claims 2 and 5

Regarding claims 2 and 5, the Office action asserts that it is unclear what constitutes an “identifier.” In certain embodiments, the identifier is a unique number associated with each task. This serves to distinguish tasks from one another, for example. The Applicant respectfully submits that, a reading of the specification will clearly indicate what is meant by identifier. Because all claims are to be interpreted in light of the specification, the Examiner is invited to review the specification for clarity on this issue.

Claims 2 and 5 have been amended and now more clearly specify that an associated relationship between each task and a unique identifier for that task are stored on the memory of a storage unit (e.g., a hard drive). Support for this amendment may be found in at least paragraphs [0039] (relating to each task being associated with a unique ID) and [0027] (relating to storage on memory of a hard disc) of the published application.

In light of this amendment, the Applicant respectfully requests withdrawal of the § 112, second paragraph rejection of claims 2 and 5.

C. Claims 7 and 8

Regarding claims 7 and 8, the Office action alleges that it is uncertain what “process completion request” the claims are referring to. Claims 7 and 8 have been amended to recite

more clearly that, prior to switching over from the present task combination to the requested task combination, execution of at least one task common to both combinations must complete. Support for this amendment may be found in at least paragraph [0008] of the published application and in claims 3 and 6 as originally filed.

In light of this amendment, the Applicant respectfully requests withdrawal of the § 112, second paragraph rejection of claims 7 and 8.

IV. Remarks Regarding the § 103 Rejection of Claims 1 and 4

Neither Alford nor AAPA (individually or in combination) teach waiting for a specified task to execute before switching to a requested task combination, as recited by claims 1 and 4 as amended. Nevertheless, the Office action asserts that the Alford, along with AAPA, renders claims 1 and 4 of the present application obvious. As discussed in *KSR Int'l Co. v. Teleflex Inc.*, it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to combine alleged prior art elements in the manner as claimed. 550 U.S. 398, 418 (2007). Mere conclusory statements are insufficient. *Id.*; MPEP § 2143.01(IV).

One example of a system in accordance with claim 1 of the present application includes several task combinations each made up of one or more tasks among a group of tasks, a judging unit, a switchover unit, and a processing unit (e.g., a processor or CPU). The task management system of this example determines how switchover should occur when a request is received to execute a new task combination when the processor is already in the middle of executing another task combination.

The thread environment disclosed in Alford functions much differently. Most notably, the thread environment described in Alford fails to teach the waiting for a common task to completely execute before switching to a requested task combination, as recited by claims 1 and 4 as amended. Further, AAPA does not make up for this deficiency, as the present application specifically cites this feature as an advantage over known systems. (Published Application at [0008].)

In addition, one of the characteristic features of the present invention is that the switching of task combinations is performed only after all the “specified tasks” in a present task combination are completed. These specified tasks are the tasks that must execute completely before task-switchover. Whether a task is a specified task is determined beforehand, regardless

of the contents of the present and requested task combinations. In certain embodiments, a specified task may be indicated as such by a “flag” in the task management table, as described in paragraph [0038] and FIGS. 2A and 2B of the published application.

Claims 1 and 4 as amended now recite that only not-yet-executed tasks are judged for execution, as specified in paragraphs [0064] – [0067] of the published application. This allows for faster execution of the judging process. Further, claims 1 and 4 as amended now recite that the task combination management table is generated and stored beforehand, as described in paragraph [0039] of the published application. Because the task combination management table is already generated for every application, the calculation process of determining whether the task can be done is not necessarily performed each time the task is registered. Therefore, task switchover is preformed smoothly.

For at least these reasons, the Office action has failed to established that the combination of cited references renders the independent claims of the present application obvious. Specifically, neither Alford nor AAPA (individually or in combination) teach waiting for a specified task to execute before switching to a requested task combination, as recited by claims 1 and 4 as amended. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of claims 1, 4, and all claims depending therefrom.

V. **Conclusion**

For the above reasons, the Applicant respectfully submits that this application is in condition for allowance. Prompt consideration and allowance are solicited. The Examiner is encouraged to contact the undersigned with any questions.

The Office is authorized to charge any additional fees under 37 C.F.R. § 1.16, § 1.17, or § 1.136, or credit of any overpayment, to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

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